

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

NICHOLE WALKINSHAW, et al.,

Plaintiffs,

v.

**COMMONSPIRIT HEALTH f/k/a
CATHOLIC HEALTH INITIATIVES,
CHI NEBRASKA d/b/a CHI HEALTH,
and SAINT ELIZABETH REGIONAL
MEDICAL CENTER,**

Defendants.

Case No. 4:19-cv-03012-BCB-SMB

**STIPULATED MOTION TO EXTEND DEADLINE FOR FILING
MOTION FOR PRELIMINARY APPROVAL AND STAY OF LITIGATION**

Pursuant to Local Rules 7.3 and 29.1, the Parties, by and through their undersigned counsel, hereby move this Court to extend the deadline for the stay of litigation as set forth below. In support of this Motion, the Parties state as follows:

1. After a full day of mediation on April 11, 2022 before Magistrate Judge Cheryl Zwart, Plaintiffs and Defendants (collectively “the Parties”) reached an agreement in principle to resolve the case. Doc. #306.
2. By Text Order on April 12, 2022, Magistrate Judge Cheryl Zwart set June 30, 2022 as the deadline for filing a motion for preliminary approval of the settlement. Doc. # 307.
3. The Parties have been working diligently to finalize the settlement. On May 17, 2022, Defendants produced supplemental time and pay records called for by the Parties’ settlement term sheet.
4. On May 30, 2022, Plaintiffs provided Defendants with an initial draft of a 31-page settlement agreement. Defendants provided their edits and comments for the draft agreement on June 21, 2022.

5. Plaintiffs provided a draft of the collective and class action settlement notice to Defendants on June 13, 2022.

6. The Parties sought an extension of the June 30, 2022 deadline for filing the motion and the stay of litigation to July 27, 2022. Doc. # 310. On June 29, 2022, the Court granted the stipulated motion and extended the deadline for filing a motion for preliminary approval to July 27, 2022 and continued the litigation stay until July 27, 2022 (if no settlement agreement is filed by that date) or until the Court issues a decision on the motion for preliminary approval. Doc. # 311.

7. Since that time, the Parties have continued to work diligently to finalize the settlement.

8. Plaintiffs provided to Defendants a draft claim form on July 1, 2022 and drafts of Plaintiffs' motion for preliminary approval for settlement proposes and supporting brief and a draft proposed order on July 8, 2022.

9. Plaintiffs provided further edits and comments for the draft settlement agreement to Defendants on July 15, 2022. Defendants provided further edits and comments for the draft settlement agreement to Plaintiffs on July 21, 2022. Plaintiffs' counsel are working diligently to review and respond to them.

10. There remain several significant items regarding the draft settlement agreement that the Parties need to resolve before they are in a position to finalize and execute a full settlement agreement. To ensure adequate time to accomplish that by the time Plaintiffs file a motion for preliminary approval, the Parties agree that the current deadline for filing the motion and the current stay of litigation should be extended briefly—except for proceedings in connection with finalizing the settlement agreement and the Motion for Preliminary Approval—

to August 25, 2022 (although Defendants believe that 60 days is a more reasonable estimate of the necessary extension). This is made in good faith and not to cause undue delay.

11. Pursuant to Local Rule 7.2, a proposed order approving the requested extension of the deadline for filing a motion for preliminary approval and the litigation stay is being submitted to chambers via electronic mail.

WHEREFORE, the Parties respectfully move this Court for an order extending the deadline for filing a motion for preliminary approval and the litigation stay to August 25, 2022 (if no settlement agreement is filed by that date) or until the Court issues a decision on the motion for preliminary approval.

Pursuant to Local Rule 11.1(a)(3), Filer Vincent Cheng represents that all other signatories on whose behalf this filing is submitted consent on this content and filing.

Dated: July 27, 2022

Respectfully Submitted,

On Behalf of Plaintiffs:

On Behalf of Defendants:

/s/ Vincent Cheng

Vincent Cheng (admitted pro hac vice)
BLOCK & LEVITON LLP
100 Pine Street, Suite 1250
San Francisco, CA 94111
Tel: (415) 968-8999
vincent@blockesq.com

R. Joseph Barton
BLOCK & LEVITON LLP
1633 Connecticut Ave. NW
Suite 200
Washington, DC 20009
Tel: (202) 734-7046
jbarton@blockesq.com

Jason S. Rathod
Nicholas A. Migliaccio
MIGLIACCIO & RATHOD LLP
412 H Street NE

/s/ Jason N.W. Plowman

KAREN K. CAIN
JASON N.W. PLOWMAN
EMMA R. SCHUERING
MATTHEW LINNABARY
POL SINELLI PC
900 W. 48th Place, Ste. 900
Kansas City, MO 64112
(816)753-1000
Fax: (816) 753-1536
kcain@polsinelli.com
jplowman@polsinelli.com
eschuering@polsinelli.com
mlinnabary@polsinelli.com

Attorneys for Defendants

Washington, D.C. 20002
Telephone: (202) 470-3520
Facsimile: (202) 800-2730
jrathod@classlawdc.com
nmigliaccio@classlawdc.com
sdemir@classlawdc.com

Kathleen M. Neary Bar No. 20212
Vincent M. Powers Bar No. 15866
POWERS LAW
411 South 13th Street, Suite 300
Lincoln, NE 68508
Tel: (402) 474-8000
kathleen@vpowerslaw.com
powerslaw@me.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I, Ming Siegel, hereby certify that on July 27, 2022, a true and correct copy of the above and foregoing **STIPULATED MOTION TO EXTEND DEADLINE FOR FILING MOTION FOR PRELIMINARY APPROVAL AND STAY OF LITIGATION** was electronically filed with the Clerk of the Court by using the CM/ECF system, which sends notice to the following counsel of record:

KAREN K. CAIN
JASON N.W. PLOWMAN
EMMA R. SCHUERING
MATTHEW LINNABARY
POL SINELLI PC
900 W. 48th Place, Ste. 900
Kansas City, MO 64112
(816)753-1000
Fax: (816) 753-1536
kcain@polsinelli.com
jplowman@polsinelli.com
eschuering@polsinelli.com
mlinnabary@polsinelli.com

/s/ Ming Siegel

Ming Siegel